

BZA Packet

October 17, 2022

Hello All,

Enclosed please find your packet for the meeting of October 17, 2022.

We have:

- 1 extension request
- 1 carryover
- 3 new cases

If you receive any citizen inquiries regarding these cases the proposed plans may be viewed by going to:

www.mtnbrook.org

- Calendar (upper right corner)
- Board of Zoning Adjustment (October 17, 2022)
- Meeting Information (for agenda) and Supporting Documents (to view proposed plans and/or survey select link associated with the case number)

If you have any questions about the cases please don't hesitate to give me a call at 802-3811 or send me an email at slatent@mtntbrook.org ...

Looking forward to seeing you on Monday!

Tyler

MEETING AGENDA
CITY OF MOUNTAIN BROOK
BOARD OF ZONING ADJUSTMENT
October 17, 2022
PRE-MEETING: 4:30 P.M.
REGULAR MEETING: 5:00 P.M.

**MEETING TO BE HELD IN PERSON AT CITY HALL AND VIRTUALLY USING ZOOM VIDEO
CONFERENCING
(ACCESS INSTRUCTIONS ON MEETING WEBPAGE)**

NOTICE

Any variance which is granted today expires and becomes null and void one year from today unless construction is begun in less than one year from today on the project for which the variance is granted. If construction will not be started within one year from today, the applicant may come back in 11 months and ask for a six-month extension, which the Board normally grants.

Any variance which is granted, regardless of the generality of the language of the motion granting the variance, must be construed in connection with, and limited by, the request of the applicant, including all diagrams, plats, pictures and surveys submitted to this Board before and during the public hearing on the variance application.

-
1. Approval of Minutes: September 19, 2022
 2. **Case A-21-48: Steven and Frances Nichols (extension)**
 3. **Case A-22-25: Ingrum and Lois Bankston**, property owners, request a variance from the terms of the Zoning Regulations allow an addition to a single family dwelling to be 10 feet 7 inches feet from the rear property line (east) in lieu of the required 40 feet, to be 11 feet from the side property line (north) in lieu of the required 15 feet and to allow the building area to be 37 percent in lieu of the maximum building coverage allowed of 25 percent. **-2855 Surrey Road (carried over from September 19th meeting)**
 4. **Case A-22-27: Frank and Brandi Dixon**, property owners, request variances from the terms of the Zoning Regulations to allow additions to a single family dwelling to be 84.4 feet from the secondary front property line (Caldwell Mill Road) and 88.6 feet from the rear property line (south) both in lieu of the required 100 feet. **-2801 Pump House Road**
 5. **Case A-22-28: Cooper and Ashley Killion**, property owners, request variances from the terms of the Zoning Regulations to allow additions and alterations to a single family dwelling to be as close as 34 feet to the front property line (Williamsburg Circle) in lieu of the required 40 feet. **-3813 Williamsburg Circle**
 6. **Case A-22-29: Andrew and Tiffany Linn**, property owners, request variances from the terms of the Zoning Regulations to allow a retaining wall to be up to 10 feet in height in the front yard (Michael Lane) in lieu of the maximum allowed wall height of 4 feet. **-401 Michael Lane**
 7. Next Meeting: **November 21, 2022**
 8. Adjournment



CITY OF MOUNTAIN BROOK

A-21-48

Department of Planning, Building &
Sustainability
56 Church Street
Mountain Brook, Alabama 35213
Telephone: 205.802.3810
www.mtnbrook.org

**BOARD OF ZONING ADJUSTMENT
MEETING SUMMARY**

Meeting Date: October 18, 2021
Case Number: A-21-48
Case Address: 9 Clarendon Road
Property Owner(s): Steven and Frances Nichols
francesnichols627@gmail.com
Representative: Mary Coleman Clark, Architect
mcc@mccarchitect.com

Type Request: Steven and Frances Nichols property owners, request variances from the terms of the Zoning Regulations to allow the construction of a new single family dwelling to be 6.39 feet from the side property line (east) in lieu of the required 8 feet for portions of the home below 22 feet in height, and to be 9.34 feet from the side property line (east) in lieu of the required 12 feet for portions above 22 feet in height. 9 Clarendon Road

Action Taken: The Board of Zoning Adjustment approves your variance request as submitted.

Tyler Slaten, Planner
City of Mountain Brook
56 Church Street
Mountain Brook, AL 35213
Office 205-802-3811



Variance Application - Part I

Project Data

Address of Subject Property 9 Clarendon Road, 35213

Zoning Classification Residence B - non-conforming

Name of Property Owner(s) Frances and Steven Nichols

Phone Number 205-585-7188 Email francesnichols627@gmail.com

Name of Surveyor Weygand Surveyors

Phone Number 205-942-0086 Email ray@weygandsurveyors.com

Name of Architect (if applicable) Mary Coleman Clark Architect LLC

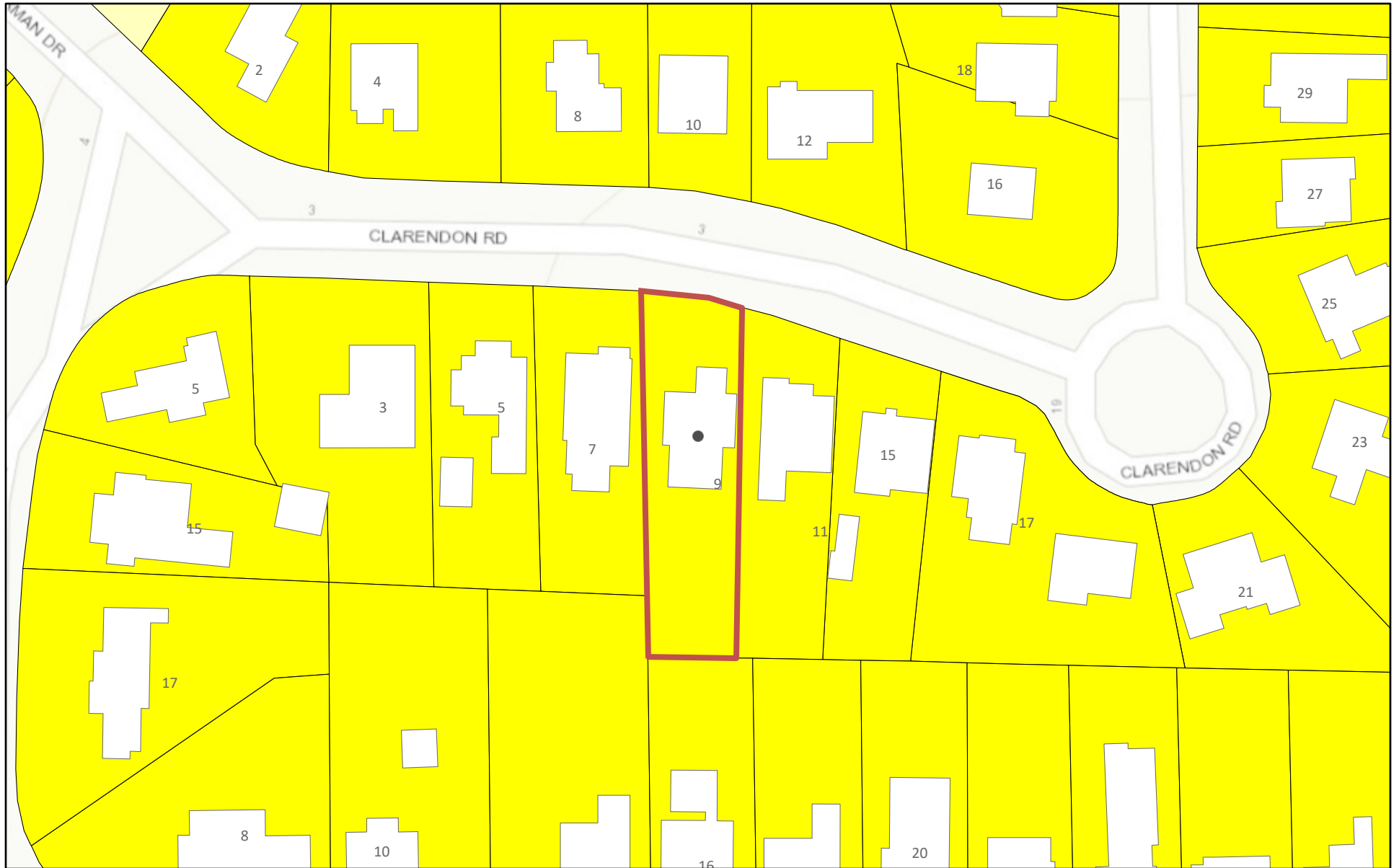
Phone Number 205-999-0304 Email mcc@mccarchitect.com

Property owner or representative agent must be present at hearing

Please **fill in only applicable** project information (relating directly to the variance request(s):

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>			
Right Side Setback	8.0'	10.0'	6.39'
Left Side Setback			
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	12.0'	12.0'	9.64'
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Rear Setback (ft)			
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			

A-21-48 Zoning



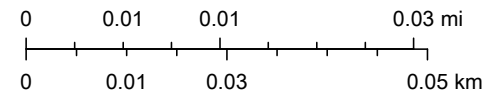
10/7/2021, 10:21:17 AM

Tax_Parcels

Residence A District

Residence B District

1:1,128



JeffCoAL, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

ArcGIS Web AppBuilder


JeffCoAL, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | Jefferson County Information Technology Services | Hunter Simmons |

A-21-48 Aerial



10/7/2021, 10:25:09 AM

2018 Aerial

 Red: Band_1

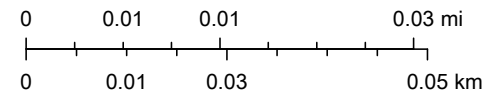


Green: Band_2



Blue: Band_3

1:1,128



Jefferson County Information Technology Services, JeffCoAL, Esri, HERE,

ArcGIS Web AppBuilder

JeffCoAL, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | Jefferson County Information Technology Services | Hunter Simmons |

Report to the Board of Zoning Adjustment

A-21-48

Petition Summary

Request to allow the construction of a new single family dwelling to be 6.39 feet from the side property line (west) in lieu of the required 8 feet for portions of the home below 22 feet in height, and to be 9.34 feet from the side property line (west) in lieu of the required 12 feet for portions above 22 feet in height.

Scope of Work

The scope of work involves the construction of a new single family dwelling.

Variance Requests for Side Setback

Portions of house below 22 feet

For portions of the house that are to be less than 22 feet high, the proposed encroachment is a section approximately 14 feet in length on the west side of the house to be 6.39 feet from the property line (where 8 feet is required). See Proposed Side Elevations (highlighted in yellow).

Portions of house at or above 22 feet

For the portions of the house that are to be 22 feet high or greater, only two sections along the west side of the house are proposed to be 9.34 feet from the property line (where 12 feet is required). See Proposed Side Elevations (highlighted in yellow).

Hardships

In the Applicant Statement of Hardship, it is noted that the *narrowness* of the lot is the hardship. The lot is non-conforming with regard to width being 56.5 feet wide at the front setback line and narrowing to 51.26 feet at the rear setback.

Nexus: There is no apparent reasonable relationship between the narrowness of the lot and an inability to construct a home within the required setbacks, since the zoning code already makes provision for the narrowness of the lot by allowing the principal structure to be 8 feet from the side property line.

However, there is a hardship in that the side property line in question is not perpendicular to the front property line, nor is it parallel to the proposed side building façade. This shape is unique and can be said to not apply generally to other lots and in the vicinity.

Nexus: There is a reasonable relationship between the angle of the side property line and the proposed side setback encroachments.

Possible Findings for Approval:

1. The proposed encroachments are minor in nature and only apply to small sections of the side of the home.

2. The angled shape of the lot is peculiar to this lot; and this circumstance generally applies to other lots in the immediate vicinity;

3. Is in harmony with the spirit and intent of the zoning ordinance (since the proposed encroachments are for small sections of the side façade and are not anticipated to affect the flow of light or air to the adjoining property)

Impervious Area

The proposal is in compliance with the allowable impervious surface area.

Subject Property and Surrounding Land Uses

The property contains a single-family dwelling, and is surrounded by same.

Affected Regulation

Article IV, Residence B District; Section 129-53, Special Provisions for Non-Conforming Res-B Lots

Appends

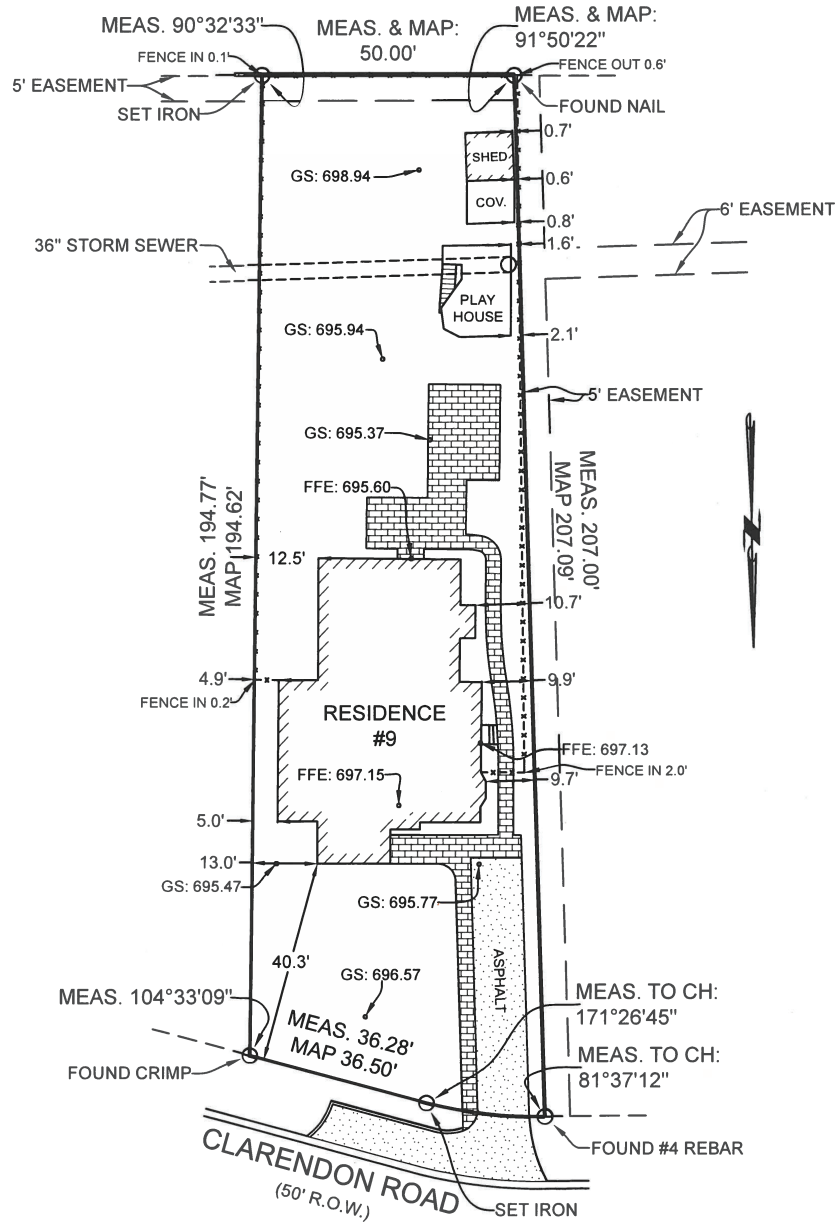
LOCATION: 9 Clarendon Road

ZONING DISTRICT: Residence B District

OWNER: Fances and Steven Nichols

LEGEND

ASP	ASPHALT
BLDG	BUILDING
CALC	CALCULATED
MEAS	MEASURED
CH	CHORD
LNG	LONG CHORD
d	DEFLECTION
Δ	DELTA
ESMT	EASEMENT
HW	HEADWALL
MIN	MINIMUM
MH	MANHOLE
OH	OVERHANG
POR	PORCH
R	RADIUS
R.O.W.	RIGHT OF WAY
SAN	SANITARY
STM	STORM
UTIL	UTILITY
AC	ACRES
S.F.	SQUARE FEET
CL	CENTERLINE
A/C	AIR CONDITIONER
•	POLE
—	ANCHOR
-X-	FENCE
-X-	OVERHEAD UTILITY WIRE
PVMT	PAVEMENT
W/	WITH
TAN	TANGENT
RES	RESIDENCE
LGHT	LIGHT
COV	COVERED
▨	DECK
○	CONCRETE
▨	WALL
□	COLUMN



SCALE: 1" = 30'

STATE OF ALABAMA
JEFFERSON COUNTY)

"Property Boundary Survey"

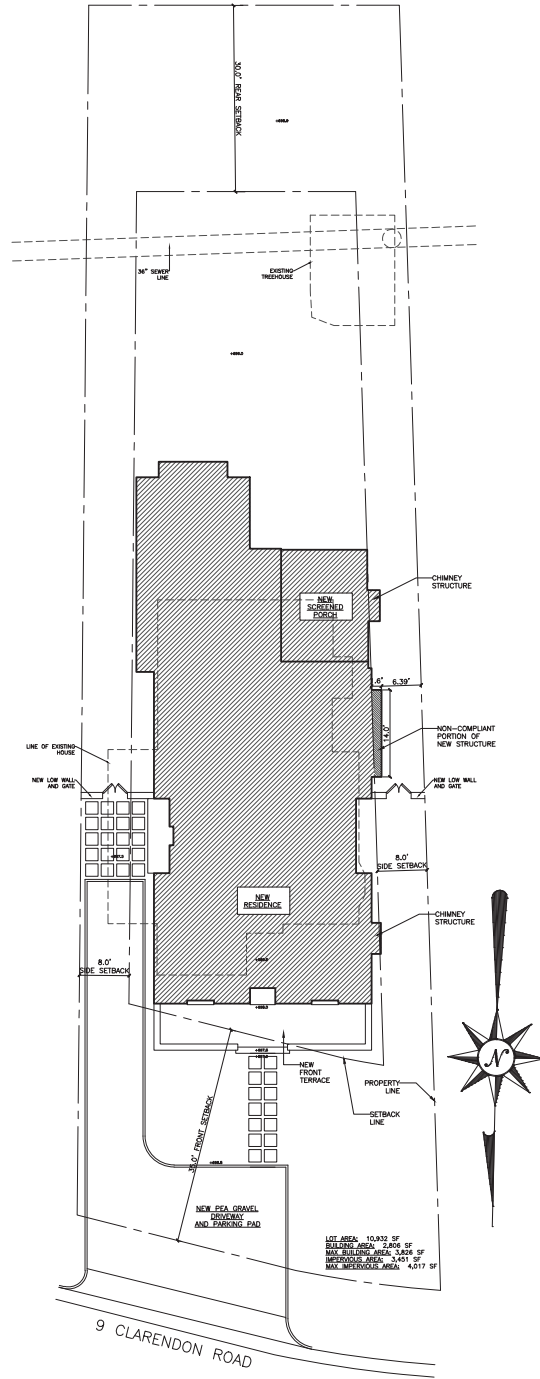
I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 35, Colonial Hills Morrow Sector, as recorded in Map Volume 18, Page 91, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief, according to my survey of May 19, 2021. Survey invalid if not sealed in red.

Order No.: 20210884
Purchaser:
Address: 9 Clarendon Road, 35223

[Signature]
Ray Weygand, Reg. L.S. #34764
169 Oxmoor Road Homewood, AL 35209
Phone: (205) 942-0086 Fax: (205) 942-0087



Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles, are deed/record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable. (f) Easements not shown on recorded map are not shown above.



SITE PLAN
1" = 20'-0"

A NEW HOME FOR
FRANCES AND STEVEN NICHOLS
9 CLARENDON ROAD

VARIANCE APPLICATION
SEPTEMBER 22, 2021
SUPPLEMENTAL DRAWINGS

A-21-48



VARIANCE APPLICATION
SEPTEMBER 22, 2021
SUPPLEMENTAL DRAWINGS

A NEW HOME FOR
FRANCES AND STEVEN NICHOLS
9 CLARENDON ROAD

RIGHT EXTERIOR ELEVATION
1/8" = 1'-0"



VARIANCE APPLICATION
SEPTEMBER 22, 2021
SUPPLEMENTAL DRAWINGS

A NEW HOME FOR
FRANCES AND STEVEN NICHOLS
9 CLARENDON ROAD

FRONT EXTERIOR ELEVATION
1/8" = 1'-0"



September 13, 2021

Dana Hazen
Director of Planning, Building, and Sustainability
City of Mountain Brook
56 Church Street
Mountain Brook, AL 35213

Variance Application

On behalf of the Owners, Frances and Steven Nichols, enclosed is a variance application for 9 Clarendon Road, Mountain Brook, AL 35213. The scope of the project includes a new residence, as shown in the provided supplemental drawings.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mary Coleman Clark', is written over a light blue horizontal line.

Mary Coleman Clark



Variance Application Part II

Required Findings (Sec. 129-455 of the Zoning Ordinance)

To aid staff in determining that the required hardship findings can be made in this particular case, please answer the following questions with regard to your request. **These findings must be made by the Board of Zoning Adjustment in order for a variance to be granted** (please attach a separate sheet if necessary).

What special circumstances or conditions, applying to the building or land in question, are peculiar to such building or land, and do not apply generally to other buildings or land in the vicinity (including size, shape, topography, location or surroundings)?

The residence is zoned Residence B - non-conforming, and at the 35.0' front setback line, the width of the property is 56.5'. The lot narrows so that at the 30.0' rear setback line, the width of the property is 51.25'.

Was the condition from which relief is sought a result of action by the applicant? (i.e., *self-imposed hardship* such as: "...converted existing garage to living space and am now seeking a variance to construct a new garage in a required setback...")

The Owners would like to construct a new residence and create new driveway access on the left side of the property. This pushes portions of the right side of the new structure to impede over the 8.0' side setback and 22.0' vertical setback.

How would the granting of this variance be consistent with the purpose and intent of the Zoning Regulations?

The residence to be demolished is built 4.5' over the left setback. The new structure would be conforming to the left setback. The granting of this variance request for the right side setback should not impede on the neighbor's access to light and air as the majority of the right elevation is in compliance with the zoning code requirements. The chimney structures shown on the site plan are compliant with Section 129.336 of the zoning code.

**MOUNTAIN BROOK BOARD OF ZONING ADJUSTMENT
56 CHURCH STREET
MOUNTAIN BROOK, ALABAMA**

NOTICE TO OWNERS OF ADJACENT PROPERTY

Dear Sir/Madam:

A request for variances from the Zoning Ordinance, as applied to the property located at 9 Clarendon Road, has been filed by Steven and Frances Nichols. The requested variances would allow the construction of a new single family dwelling.

The property is located in the **Residence-B Zoning District**, and requires approval by the Board of Zoning Adjustment for the following variances from the terms of the Zoning Regulations:

Case A-21-48: Steven and Frances Nichols property owners, request variances from the terms of the Zoning Regulations to allow the construction of a new single family dwelling to be 6.39 feet from the side property line (east) in lieu of the required 8 feet for portions of the home below 22 feet in height, and to be 9.34 feet from the side property line (east) in lieu of the required 12 feet for portions above 22 feet in height.
– **9 Clarendon Road**

A public hearing will be held virtually by the Board of Zoning Adjustment on **Monday, October 18, 2021, at 5:00 p.m.**, using Zoom video conferencing. Please see the webpage detailed below for instructions on how to access this meeting, and allow yourself a few minutes prior to the meeting start time to login due to increased security measures the city has utilized for virtual meetings.

The application and related material are available for inspection by viewing:

www.mtnbrook.org

- Calendar (upper right corner)
- Board of Zoning Adjustment (October 18, 2021)
- Meeting Information (for agenda) and Supporting Documents (to view proposed plans select link associated with the case number)

Tyler Slaten
Planner
(205) 802-3811
slatent@mtnbrook.org

CITY OF MOUNTAIN BROOK
P O BOX 130009
MOUNTAIN BROOK, AL 35213

Check type of mail or service:

- Certified
- COD
- Delivery Confirmation
- Express Mail
- Insured
- Recorded Delivery (International)
- Registered
- Return Receipt for Merchandise
- Signature Confirmation

Affix Stamp Here
(If issued as a certificate of mailing, or for additional copies of this bill)
Postmark and Date of Receipt

A-21-48

Article Number

Addressee (Name, Street, City, State, & ZIP Code)

Postage

Fee

Handling Charge

if Registered

Value

if COD

Fee

Fee

Fee

RD

Fee

RR

Fee

1.
7021 0950 0002 1919 9562

PHILLIPS, WILLIAM M. JR.
10 CLARENDON ROAD
MOUNTAIN BROOK, AL 35213

2.
7021 0950 0002 1919 9579

EUDAILEY, KYLE
SPOTSWOOD, MARY HAYWARD
11 CLARENDON ROAD
MOUNTAIN BROOK, AL 35213

3.
7021 0950 0002 1919 9586

FARMER, MARSHALL & JULIA
16 WINTHROP AVENUE
MOUNTAIN BROOK, AL 35213

4.
7021 0950 0002 1919 9593

BRYANT, PATY B.
14 WINTHROP AVENUE
MOUNTAIN BROOK, AL 35213

5.
7021 0950 0002 1919 9609

TYSON, FRED WHITE JR & MELISA
7 CLARENDON ROAD
MOUNTAIN BROOK, AL 35213



Total Number of Pieces Listed by Sender

Total Number of Pieces Received at Post Office

Postmaster (Per Name of receiving employee)

5

5

M. Remo

See Privacy Act Statement on Reverse



Variance Application - Part I

Project Data

Address of Subject Property 2855 SURREY ROAD

Zoning Classification RESIDENTIAL PRIVATE

Name of Property Owner(s) LOIS & INGRUM BANKSTON

Phone Number 205.568.8396 Email loisowens@me.com

Name of Surveyor SOUTH CENTRAL SURVEYING

Phone Number 205.229.1993 Email bcallahan0401@charter.net

Name of Architect (if applicable) N/A

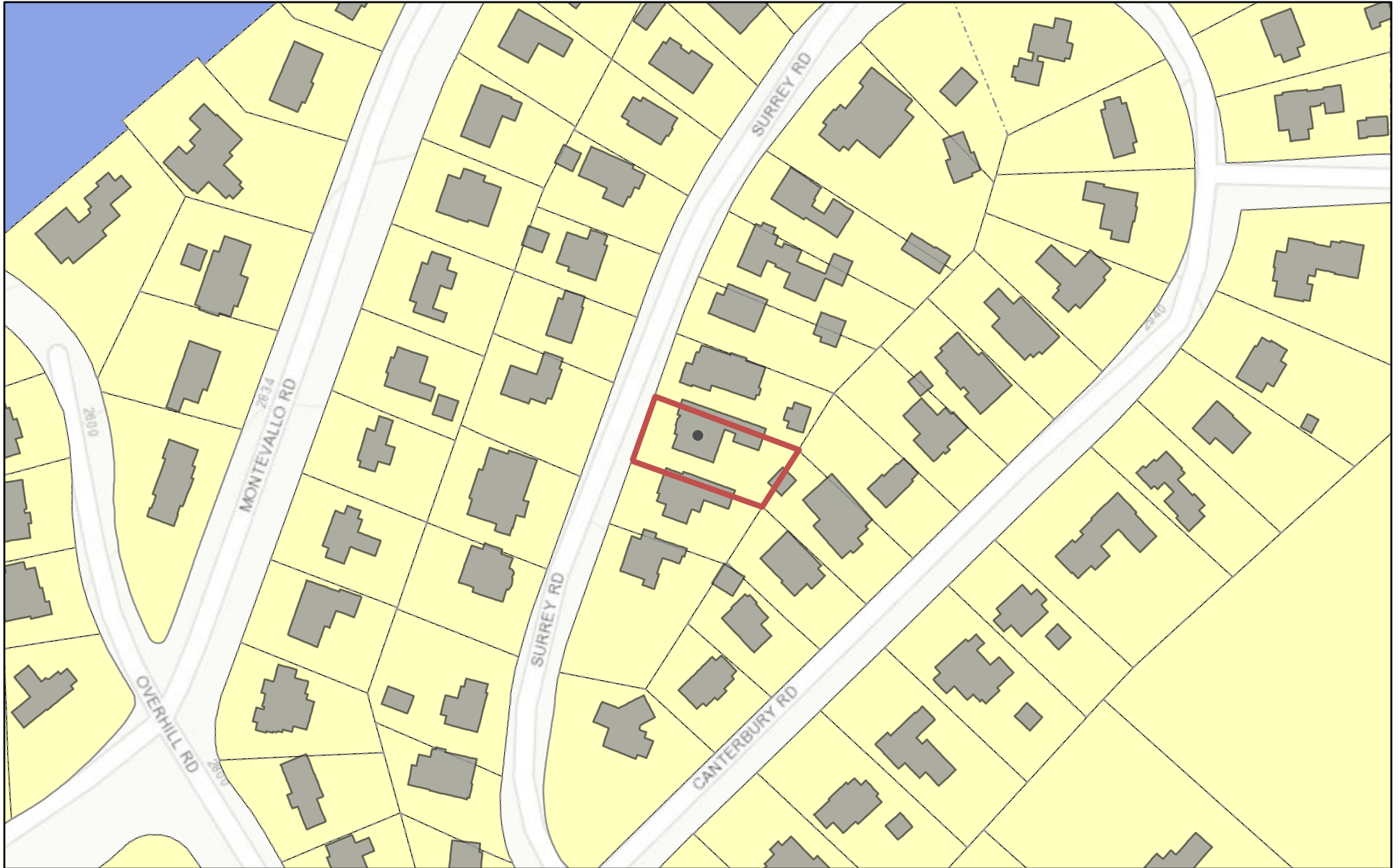
Phone Number - Email -

Property owner or representative agent must be present at hearing

Please **fill in only applicable** project information (relating directly to the variance request(s)):

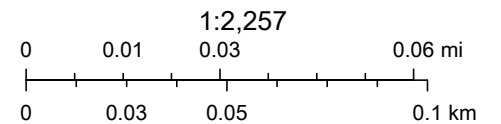
	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>			
Right Side Setback			
Left Side Setback	15'	9'3"	11'
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Rear Setback (ft)	40'	18.6'	10'7"
Lot Coverage (%)	25%	37%	
Building Height (ft)			
Other			
Other			

A-22-25 Zoning



9/6/2022, 3:28:22 PM

- Building Footprints 2020v1
- Tax_Parcels 2021
- Lot Lines
- Residence A District
- Rec-2



JeffCoAL, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA

ArcGIS Web AppBuilder

A-22-25 Aerial



9/6/2022, 3:30:49 PM

Aerial 2021



Green: Band_2



Blue: Band_3



Red: Band_1

1:2,257

0 0.01 0.03 0.06 mi

0 0.03 0.05 0.1 km

Jefferson County Department of Information Technology | JeffCoAL, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA

ArcGIS Web AppBuilder

Report to the Board of Zoning Adjustment

A-22-25

Petition Summary

Request to allow an addition to a single family dwelling to be 10 feet 7 inches from the rear property line (east) in lieu of the required 40 feet, to be 11 feet from the side property line (north) in lieu of the required 15 feet and to allow the building area to be 37 percent in lieu of the maximum building coverage allowed of 25 percent.

Background

On August 21, 2017 the Board of Zoning Adjustment voted to approve variance requests for this property to allow additions to an existing single family dwelling to be 13.1 feet from the rear property line (east) in lieu of the required 40 feet, 9.8 feet from the side property line (north) and 12.9 feet from the side property line (south), both in lieu of the required 15 feet, and for the lot coverage to be 33% in lieu of the maximum allowable 25%.

Scope of Work

The scope of work entails a proposed storage room addition on the rear of the existing attached garage. The dimensions of the addition would be 18 feet long by 6 feet deep.

Variance Request for Side and Rear Setback

Nexus: The applicant's stated hardships (narrowness of the lot and angled rear property line) are somewhat related to the requested setback variances.

The approximate average lot size for the surrounding area in this block is 13,861 square feet, the average lot width is 82 feet, and the average lot depth is 169 feet.

The approximate lot size of the subject property is 12,776 square feet, the lot width is 75 feet, and the lot depth is 179 feet.

The lot is not a perfect rectangle with its angled rear lot line, but this angled rear lot line configuration is shared by the majority of lots on this side of Surrey Road.

Variance Request for Building Coverage

Nexus: Weak. There is no apparent hardship that would justify the proposed building coverage percentage of 37% in lieu of the maximum allowed of 25%. The lot is fairly close to the average lot size in the surrounding area and does not warrant the 12% increase over the maximum allowed.

Potential Findings for Approval:

- a. scope of work is minor in nature (in that it is approximately 108 square feet).

Potential Findings for Denial:

- a. excessive number of variances (in that approval of these variances would amount to 6 variances granted for the subject property, which is not unique as to size and shape when compared to the surrounding area)
- b. storm water concerns (in that the maximum lot and impervious coverages would significantly exceed the percentages allowed, leading to potential storm water and run-off issues).

Impervious Area

If the proposed variances are approved, the resulting impervious area would be 68% of the parcel which exceeds the maximum allowed of 30%. Mitigation measures in accordance with the city's storm water ordinance would have to be employed by the home owner in order for a building permit to be issued.

Subject Property and Surrounding Land Uses

The property contains a single-family dwelling, and is surrounded by same.

Affected Regulation

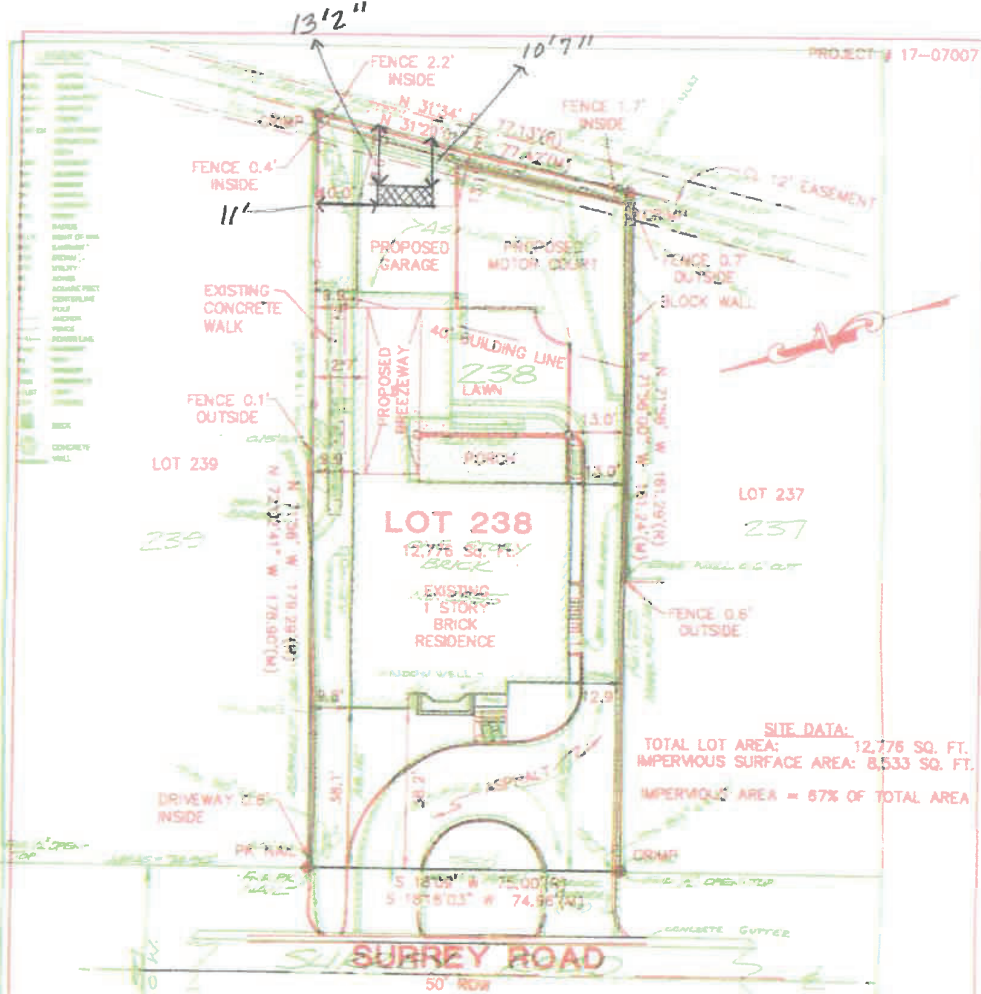
Article III, Residence A District; Section 129-34, Area and Dimensional Requirements

Appends

LOCATION: 2855 Surrey Road

ZONING DISTRICT: Residence A District

OWNERS: Lois and Ingram Bankston



SITE DATA:
 TOTAL LOT AREA: 12,776 SQ. FT.
 IMPERVIOUS SURFACE AREA: 8,533 SQ. FT.
 IMPERVIOUS AREA = 67% OF TOTAL AREA

**PLOT PLAN
 LOT 238
 MOUNTAIN BROOK ESTATES
 FAIRWAY SECTOR**

STATE OF ALABAMA
 SURVEYOR
 I, William D. Callahan, Jr., do hereby certify that I am a duly licensed Surveyor in the State of Alabama, License No. 28251, and that I have personally supervised the making of this survey and drawing, and that the same are true and correct to the best of my knowledge, information and belief.



Scale: 1" = 30'
 Survey and drawing have been made in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief.

PROPERTY ADDRESS:
 2855 SURREY ROAD
 MT. BROOK, AL 35223

CLIENT:
 PHILIP WOOD HOME BUILDER
 Field Survey: 07-26-2017

William D. Callahan, Jr.
 William D. Callahan, Jr., PLS
 AL Reg # 28251



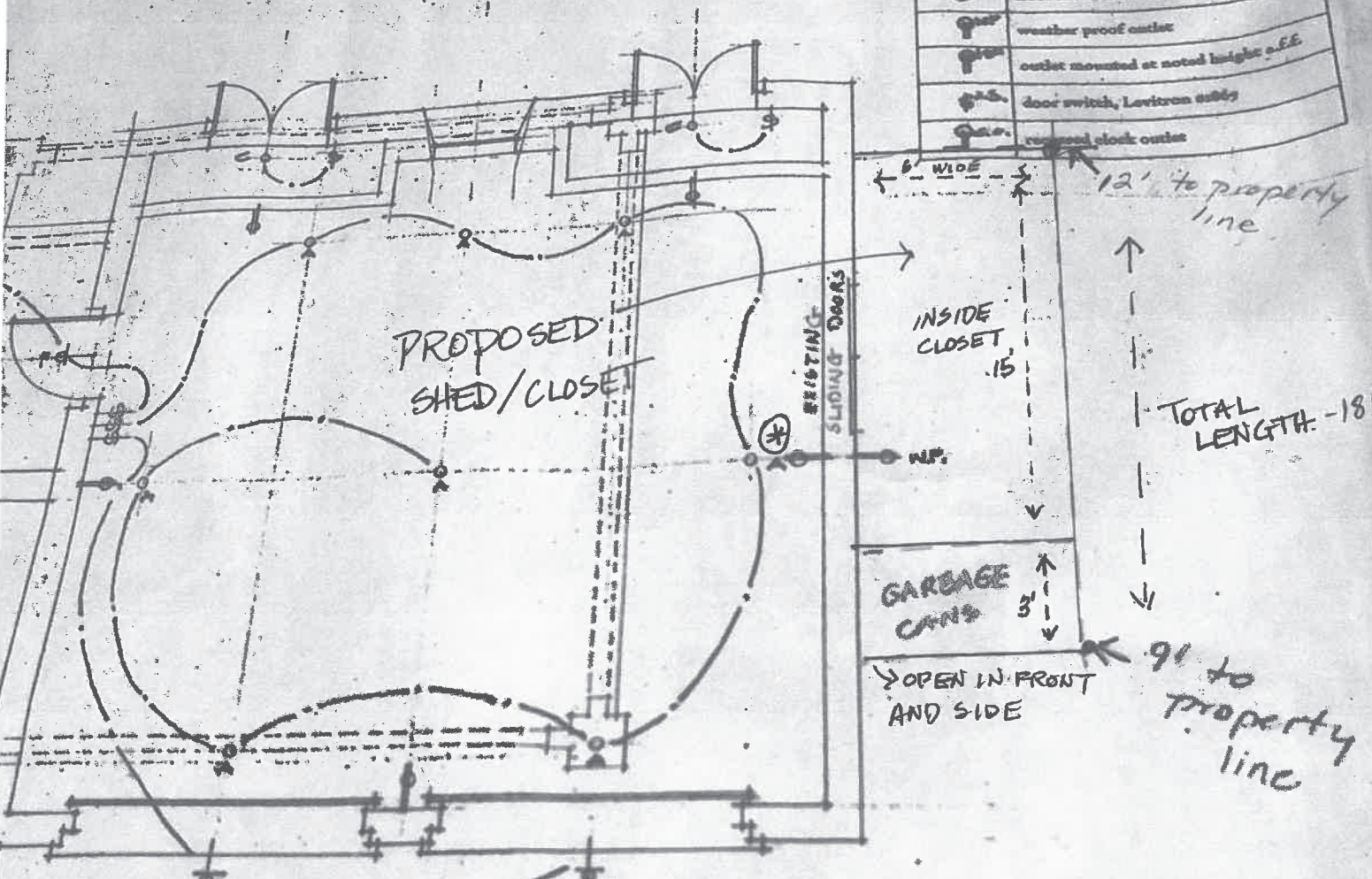
South Central Surveying
 RESIDENTIAL & COMMERCIAL LAND SURVEYING

100 SURREY TRAIL
 ALABASTER, ALABAMA 38007
 PHONE 205-236-9600

- WOOD FENCE
- AL = ASH
- CHAIN LINK FENCE
- COVERED PORCH/DECK
- UNPAVED DRIVE
- RECORDED
- CONCRETE
- O = DAPPED IRON SET
- B = IRON PILING (DISAPPEARING)
- OVERHEAD POWER
- POLE POLE

THE SHAPE OF OUR PARCEL IS NOT SQUARE AT THE REAR OF THE PROPERTY, WHICH ADDS TO OUR LIMITATIONS

Electrical	
○	recessed or ceiling fixture
○	wall mounted fixture
⊠	exhaust fan
⊗	ceiling fan
⊕	chandelier or pendant fixture
—	under cabinet or counter fixture
⬇	switch
⬆	three way switch
⬆	switch with rheostat
⬆	three way switch with rheostat
⬆	outlet
⬆	floor mounted outlet
⬆	weather proof outlet
⬆	outlet mounted at noted height A.F.F.
⬆	door switch, Leviton style
⬆	recessed clock outlet



- INSIDE GARAGE SLIDING DOORS TO OUTSIDE ARE EXISTING

- CEILING HEIGHT AT GARAGE WALL - 10'6" TO ACCOMMODATE EXISTING LIGHT. NO NEED TO WIRE FOR LIGHTING

- CEILING HEIGHT AT OUTSIDE WALL - 9'3"

electrical and lighting notes

1. mount all electrical outlets horizontally 6" A.F.F. unless noted otherwise.
2. all light switches are to be mounted at 36" A.F.F. - wavy switch type.
3. most fixtures are located by center lines, bridge truss necessary by central fixture location, joists and rafters to be laid out with space on center line of rooms, doorways, cased openings, and windows to allow for fixtures to be centered.
4. all floor outlets are to be located by interior design.
5. verify location of all phone and cable television outlets.
6. for clarity, no outlets are shown on plan for this area.

- CUBBY FOR GARBAGE CANS - APPROX. 3' TO CONCEAL FROM NEIGHBORS
- INSIDE CLOSET - ONLY PAINTED PLYWOOD AND SHELVING.
- NO PLUMBING, GAS
- NO HVAC



VIEW FROM KUDULIS BACK YARD NEXT DOOR
OF OUR BACK GARAGE



VIEW FROM CAREY BACK YARD NEXT DOOR
OF OUR GARAGE



VIEW OF REAR OF GEORGE TAYLOR'S BACKYARD / DIRECTLY BEHIND US



VIEW OF BANKSTON DRIVEWAY

VIEW OF BANKSTON BACK YARD





VIEW OF BANKSTON GARAGE



SIDE VIEW OF CLOSET ALREADY BEGUN

8/21/22

Dear Members of the Mountain Brook Zoning Board,

I have lived at 2849 Surrey Road for the past 25 years. We moved here from the Chicago area and loved raising our family in Mountain Brook. One of the benefits of living in this neighborhood has been wonderful neighbors like Lois and Ingram Bankston. They informed me that they would like to build a storage room at the rear of their property. Everything they have done to their home has been in great taste which beautifies their home and the entire neighborhood. I have no reservations about the construction of this storage space.

Thank you,

Patricia Carey
Retired from Mountain Brook Schools



HUDULIS
REISINGER
PRICE

August 21, 2022

Attn: Board of Zoning Adjustments
City of Mountain Brook City Hall
56 Church Street
Mountain Brook, AL 35213

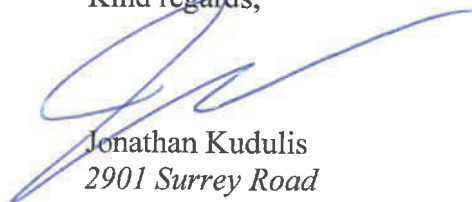
Re: 2855 Surrey Road

Dear City of Mountain Brook Board of Zoning Adjustments:

I am writing to support for approval of the construction that has been proposed at the residence of Lois and Ingram Bankston, at 2855 Surrey Road. The proposed structure will be placed behind their garage and is hidden by a tall brick fence. It will not be visible to any of the surrounding neighbors and therefore should not be a concern for anyone besides the Bankstons.

We have lived next door to the Bankstons for over five years and have witnessed a couple of different projects on their property. Everything the Bankstons have done demonstrates exceptional craftsmanship and complements the existing design. I have no doubt that this upcoming project will be any different.

Kind regards,



Jonathan Kudulis
2901 Surrey Road

LIGHTFOOT
2850 SURREY ROAD
MOUNTAIN BROOK, ALABAMA
35223

August 22, 2022

Board of Zoning Adjustment
City of Mountain Brook
56 Church Street
Mountain Brook, Alabama 35213

Dear Board of Zoning Adjustment:

We are writing to inform you that we live directly across the street from Lois and Ingram Bankston on Surrey Road and do not oppose their building a storage room near the rear of their property.

The Bankstons are wonderful neighbors and any improvement they have ever made to their property has only added to our neighborhood's beauty. I have no doubt that this construction would be the same.

Sincerely,



Valerie Y. Lightfoot



Warren B. Lightfoot, Jr.

Joseph E. Welden, Jr., MD
2862 Surrey Road
Birmingham, Alabama 35223

8.21.22

Re: 2588 Surrey Road

Dear Board

I have no objection to the
proposed variance. I have
reviewed the proposal.

Joe Welden Jr. MD.













George M. Taylor, III
Direct Dial: (205) 458-5254
Direct Fax: (205) 244-5711
Email: gtaylor@burr.com

420 North 20th Street
Suite 3400
Birmingham, AL 35203

September 14, 2022

Office (205) 251-3000
Fax (205) 458-5100

Mountain Brook Board of Zoning Adjustment
56 Church Street
Mountain Brook, Alabama 35223

BURR.COM

Attn: Mr. Tyler Slaten, City Planner

Re: Case No. A-22-25, Request for Variance to Add to an Existing Non-Conforming Structure at 2855 Surrey Road, Louis and Ingrum Bankston

Ladies and Gentlemen:

The purpose of this letter to is to object to the issuance of a further variance from current Mountain Brook zoning ordinances for the residence located at 2855 Surrey Road. The structure proposed to be added to has already been the subject of a variance request that places it well beyond applicable set back lines and was the subject of hearings in 2017 which scaled back the proposed initial use. Having denied construction on a larger footprint in 2017, the Board should not now permit an addition to this non-conforming structure which places it even further into the rear setback line of the house.

1. Background. My wife, Honey, and I live at 2864 Canterbury Road, which is the house directly behind the residence in question. We are the Mountain Brook residents most affected by this addition. The Surrey Road house was purchased by the Bankstons in 2017. We noticed renovation underway in 2018 and were shocked when a former one-story garage was moved further towards the bank of the property and was then framed up to extend to two-story height. The garage itself was already a non-conforming use in that it sat within the rear set-back area. When we inquired about whether a variance had been obtained, we learned that a hearing has been conducted and a variance approved, all without our knowledge. The Bankstons contend adamantly that a notice of the variance hearing was put in our mailbox. While we do not question their sincerity, we did not receive the notice. Neither did one other neighbor on Canterbury. Our concern for lack of notice does not even take into account the uniform practice of folks in our neighborhood in reaching out in person to neighbors about variance requests so that can questions can be answered and controversies (like this) avoided. The resulting structure not only encroaches upon the setback line but is entirely within the setback area, with the closest point being within 15 feet of the rear property line.

2. Fencing. In the aftermath of the surprise variance, we considered some sort of action to account for our lack of notice but corresponded with the Bankstons and received

assurances from them that fencing would diminish the impact of the structure. By email dated May 4, 2018, Mrs. Bankston committed to build an 6 to 8 foot fence appropriately painted a mossy green color to blend in with the landscaping. The fence which they eventually constructed was only five feet in height (actually 4'10" where I measured) and does not comply with Mountain Brook ordinances requiring that its finished side face the exterior. In addition to the unfinished side facing our house, our side is not painted at all. The fence does nothing to diminish the impact of the existing two-story structure.

3. Unpermitted Construction. We were surprised once again by the Bankstons on the weekend of August 13, 2022, when we noticed construction behind our house and saw that they were adding on to the existing non-conforming two-story garage. I asked their contractor if he had a permit and he said I would have to ask the owners. Dr. and Mrs. Bankston came out into the yard, engaged in terse conversation and left the impression that no variance had been requested and no building permit was in place. The building inspector visited the site on the following Monday, August 15, to confirm that construction could not continue.

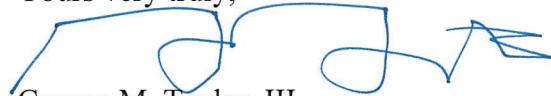
4. Filing of Variance Request. After our objection and the visit by the building inspector, the Bankstons have submitted a request for a variance, citing the fact that the structure cannot be seen by neighbors and enclosing multiple letters from neighbors attesting to their character as nice people. The application incorrectly states that the structure cannot be seen by any of the neighbors. We have submitted pictures showing the new structure clearly visible from our back yard. The new building merely adds to the mass of the structure occupying what should be an unoccupied building setback area.

4. Lack of Hardship. As I understand it, the procedures that the Board follows require a showing of hardship and a showing that if hardship exists it has not been caused by the applicant. As to the existence of hardship, there is no showing that any aspect of the occupancy and enjoyment of their property will be adversely impacted by your failure to approve the variance. The property includes a two-story garage that must surely obtain room for tool storage. Moreover, there is an obligation on the part of applicants both to take steps to remediate any hardship and to not cause hardship themselves. The structure sought to be built could easily fit on the outside of the opposite side of the two-story garage where it would not encroach further into the setback area (and to which we would not object). To the extent the Bankstons argue that there is no alternative space for their additional storage shed anywhere on the site, that would appear to be the result of their using every other square inch of buildable space on their property for other purposes, something well within their control. Their inability to add 90 square feet of tool storage area within ten feet of the rear property line is not by any definition evidence of hardship.

5. General Grounds for Denial. The residence in question already has a footprint that far exceeds anything that would be permitted for current construction on that lot. The residents have already received a very generous variance that likely would not be granted under current circumstances. For the Board to permit further expansion of this non-conforming outbuilding is inconsistent with its purpose in promoting orderly growth in Mountain Brook and in preserving property values and sets a bad precedent for other projects in the neighborhood. We encourage the Board to deny this request.

Thank you for your consideration of this matter and for your service to our community.

Yours very truly,



George M. Taylor, III

GMT/jl

August 20, 2022

Board of Zoning Adjustment
City of Mountain Brook
56 Church Street
Mountain Brook, Alabama 35213

Dear Members of the Zoning Adjustment committee,

We would like to request a building permit for an attached storage room at the rear of our property behind our garage, as we are in need of a place to store garden equipment, dry logs, and gardening supplies. Because of the proximity of this proposed closet to our property line, a variance will be required for us to be able to move forward.

The room we would like to construct will be less than 90 square feet, as shown in the attached drawings. Also, as is clearly visible in the attached survey, the shape of our parcel is not square at the rear of our property, which adds to the difficulties we are facing.

The closet we would like to build will not be visible to any of our neighbors on any side. We have contacted our neighbors on the right and the left, along with those across the street, and no one had the slightest reservation to our project. Please see their attached letters of support. Truly, we believe this addition will only add to the attractiveness of our property for any future owner. We have done everything we possible could to make our home beautiful, both inside and out, for our neighborhood. Indeed, we would never want to do anything to cause any problem for any of our neighbors.

The storage closet would not need electricity, plumbing, gas, or HVAC. The proposed height of the roof would cover an existing exterior light, which would provide sufficient lighting for the interior of the closet. The interior of the room would consist only of painted plywood and shelves. There is an existing barn door in our garage to the outside, which would serve as the door to the closet from the garage. The roof of the closet would be metal, matching the roof over our loggia and over our grill. We plan to use masonry board on the exterior and paint it the color of the house and garage. There would be a three-foot-deep cubby at one end to hide our garbage cans.

At one end of the proposed structure, the closet would be 12 feet from the property line, and 9 feet at the other, because of the shape of our lot. We have an existing retaining wall and privacy fence above it at the rear of our property for privacy for our neighbors behind us. I would like to add that there is a 12 foot utility easement behind that wall which we believe would add an extra layer of distance. At any rate, the room would not be visible to our neighbors to our rear.

We understand that there are water issues in Mountain Brook and have installed French drains in that area to insure there is no water problem. We have never had a water issue back there. Please see the attached photos of our yard, driveway, and garage. We believe this closet would be a very helpful and attractive addition to our property.

Thank you very much for any consideration you might give our request.

Sincerely yours,

Luis and Inguem Bankston
2855 Surrey Road 35223



Variance Application Part II

Required Findings (Sec. 129-455 of the Zoning Ordinance)

To aid staff in determining that the required hardship findings can be made in this particular case, please answer the following questions with regard to your request. **These findings must be made by the Board of Zoning Adjustment in order for a variance to be granted** (please attach a separate sheet if necessary).

What special circumstances or conditions, applying to the building or land in question, are peculiar to such building or land, and do not apply generally to other buildings or land in the vicinity (including size, shape, topography, location or surroundings)?

We would like to add a storage room/closet to the back of our garage at the rear of our property. In addition to the fact that our lots are rather narrow, the shape of our parcel at the rear of our property is not square, making it more difficult to stay near setbacks at both rear corners of our proposed closet/shed.

Was the condition from which relief is sought a result of action by the applicant? (i.e., *self-imposed hardship* such as: "...converted existing garage to living space and am now seeking a variance to construct a new garage in a required setback...")

No

How would the granting of this variance be consistent with the purpose and intent of the Zoning Regulations?

We need a covered space to hold garden, maintenance equipment, logs. It is our belief that such a closet would be very attractive and useful to any future homeowner of our property. Additionally, we would like to conceal our garbage cans, which would add to the attractiveness of the property. We are very intent to enhance our neighborhood. This room is not visible to us or any of our other neighbors. Total square footage is less than 90 square feet.



Variance Application - Part I

Project Data

Address of Subject Property 2801 Pump House Road

Zoning Classification Estate Residence District

Name of Property Owner(s) Frank and Brandi Dixon

Phone Number 205-238-0117 Email frankdixon@gmail.com

Name of Surveyor Weygand Surveyors

Phone Number 205-942-0086 Email _____

Name of Architect (if applicable) A Home Sweet Home Design (Designer)

Phone Number 205-243-9701 Email AHAHDBCG@Gmail.com

Property owner or representative agent must be present at hearing

Please **fill in only applicable** project information (relating directly to the variance request(s)):

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)		106574	106574
Lot Width (ft)			
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>	100	85.3	84.4
Right Side Setback			
Left Side Setback			
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Rear Setback (ft)	100		88.6
Lot Coverage (%)		16%	18.8%
Building Height (ft)	45	30.41	30.41
Other			
Other			

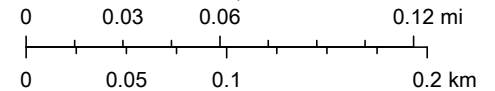
A-22-27 Zoning



10/5/2022, 10:15:43 AM

1:4,514

- CADStreetCenterlines
- InterimTaxParcels
- JeffCoMunicipalBoundary
- JeffcoMunicipalBoundary_Negative
- Building Footprints 2020v1
- Lot Lines
- Tax_Parcels 2021
- Estate Residence District
- Residence A District



Hunter Simmons, JeffCoAL, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA

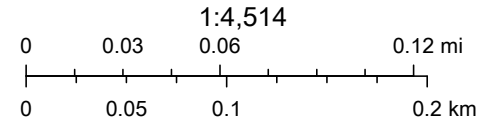
ArcGIS Web AppBuilder

A-22-27 Aerial



10/5/2022, 10:17:19 AM

- CADStreetCenterlines
- InterimTaxParcels
- JeffCoMunicipalBoundary
- JeffcoMunicipalBoundary_Negative
- Aerial 2021
- Red: Band_1
- Green: Band_2
- Blue: Band_3



Jefferson County Department of Information Technology, Hunter Simmons, JeffCoAL, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA

ArcGIS Web AppBuilder

Report to the Board of Zoning Adjustment

A-22-27

Petition Summary

Request to allow additions to a single family dwelling to be 84.4 feet from the secondary front property line (Caldwell Mill Road) and 88.6 feet from the rear property line (south) both in lieu of the required 100 feet.

Scope of Work

The scope of work entails a proposed multi story addition to the rear of the existing single family dwelling.

Variance Request for Secondary Front and Rear Setback

Nexus: The hardships of the corner lot configuration and existing design constraint of the current non-conforming home are related to the encroachment requests. This estate district lot has three required setbacks of 100 feet which reduces the buildable area of the lot. The existing home is non-conforming with regard to the setback along the secondary front at 85.3 feet from the property line.

Potential Findings for Approval:

- a. Would not be detrimental to the streetscape along the secondary front (in that it would only increase the existing encroachment by 0.9 feet in depth).

Potential Findings for Denial:

- a. Large multi-story encroachment (in that approval of these variances would allow a substantial increase of square footage and multi-story mass to be located in the setbacks).

Impervious Area

The proposal is in compliance with the allowable impervious surface area.

Subject Property and Surrounding Land Uses

The property contains a single-family dwelling, and is surrounded by same.

Affected Regulation

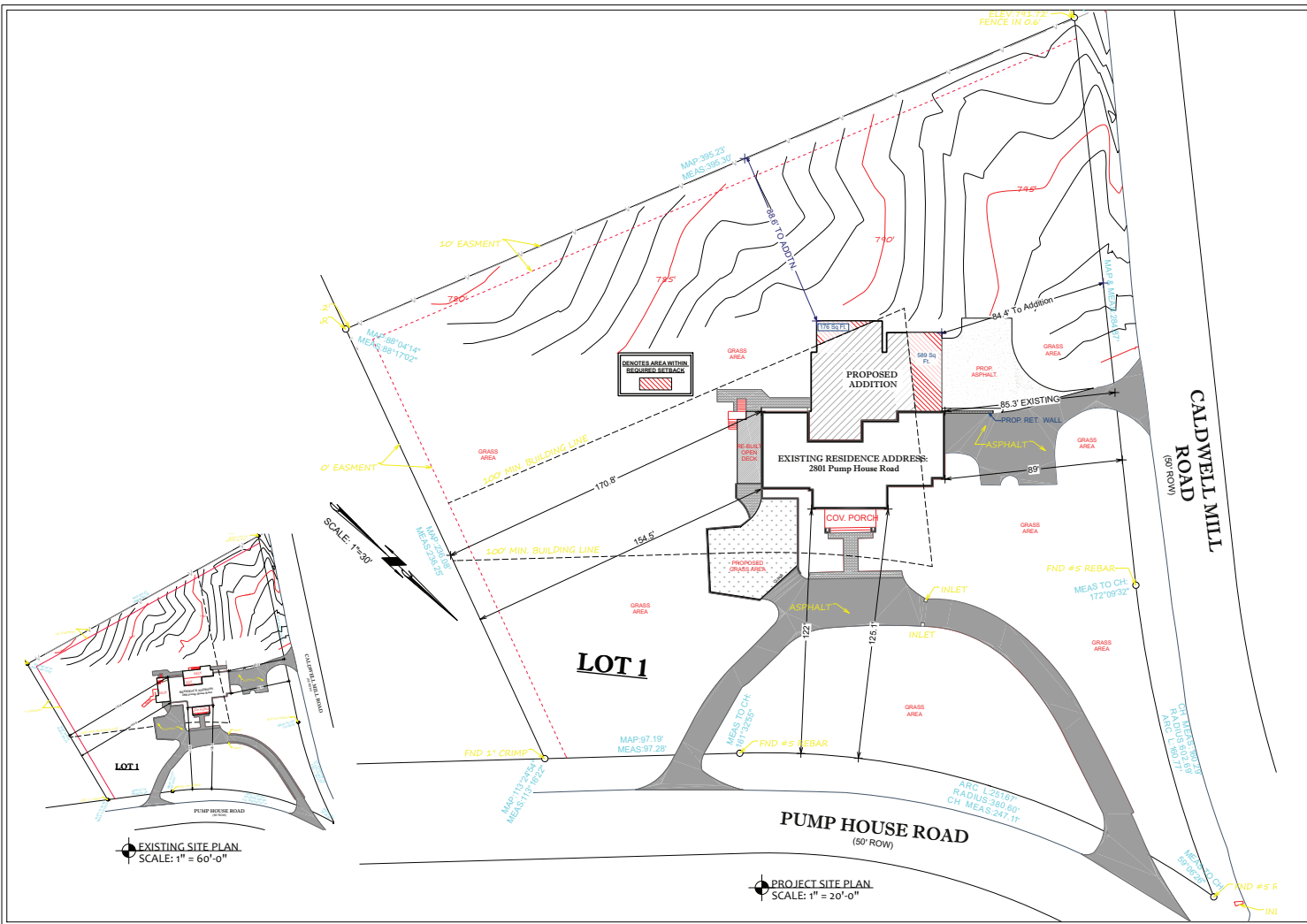
Article VI, Estate Residence District; Section 129-72, Area and Dimensional Requirements

Appends

LOCATION: 2801 Pump House Road

ZONING DISTRICT: Estate Residence District

OWNERS: Frank and Brandi Dixon



1998

NO.	DESCRIPTION	DATE	LAUREL

SHEET TITLE:
Architectural Site Plan

Owners Information:
Dixon Family Addition & Home Remodel
2801 Pump House Road
Mauritan, Missouri 65057

DRAWINGS PROVIDED BY:
A.C. Design & Construction
P.O. Box 9895 • Springfield, Missouri 65815
AMAD@ACDesign.com

DATE:
9/8/2022

SCALE:

SHEET:
A.2

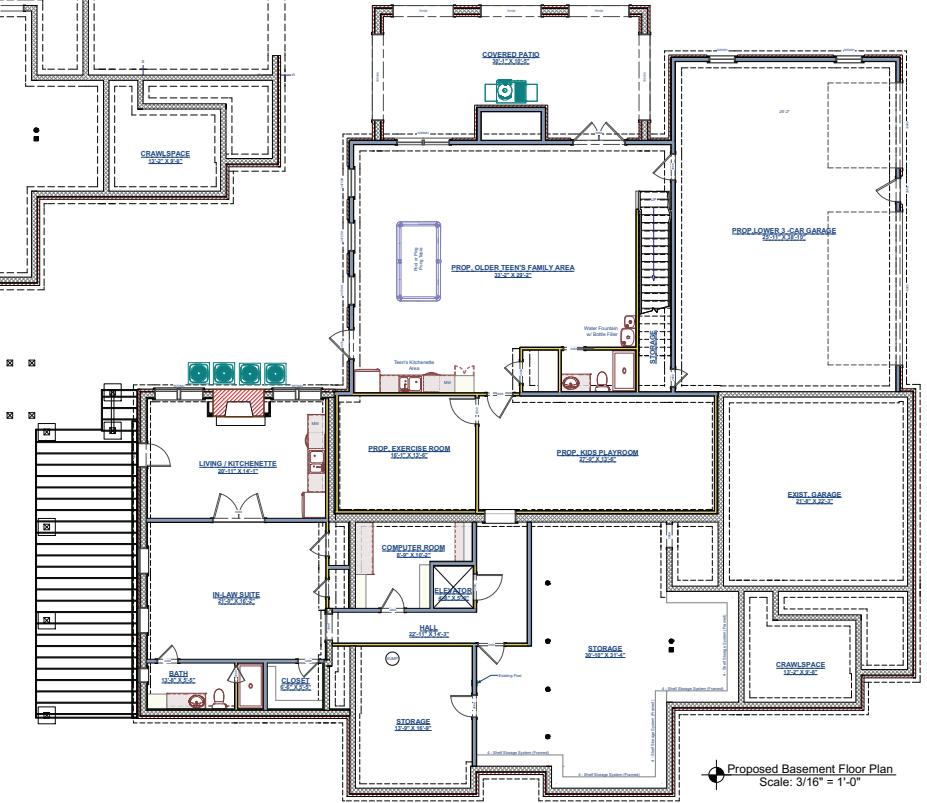
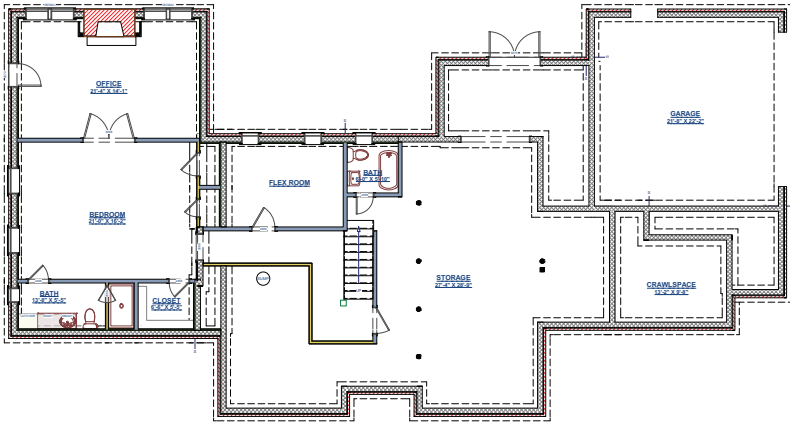
NO.	DESCRIPTION	DATE	BY

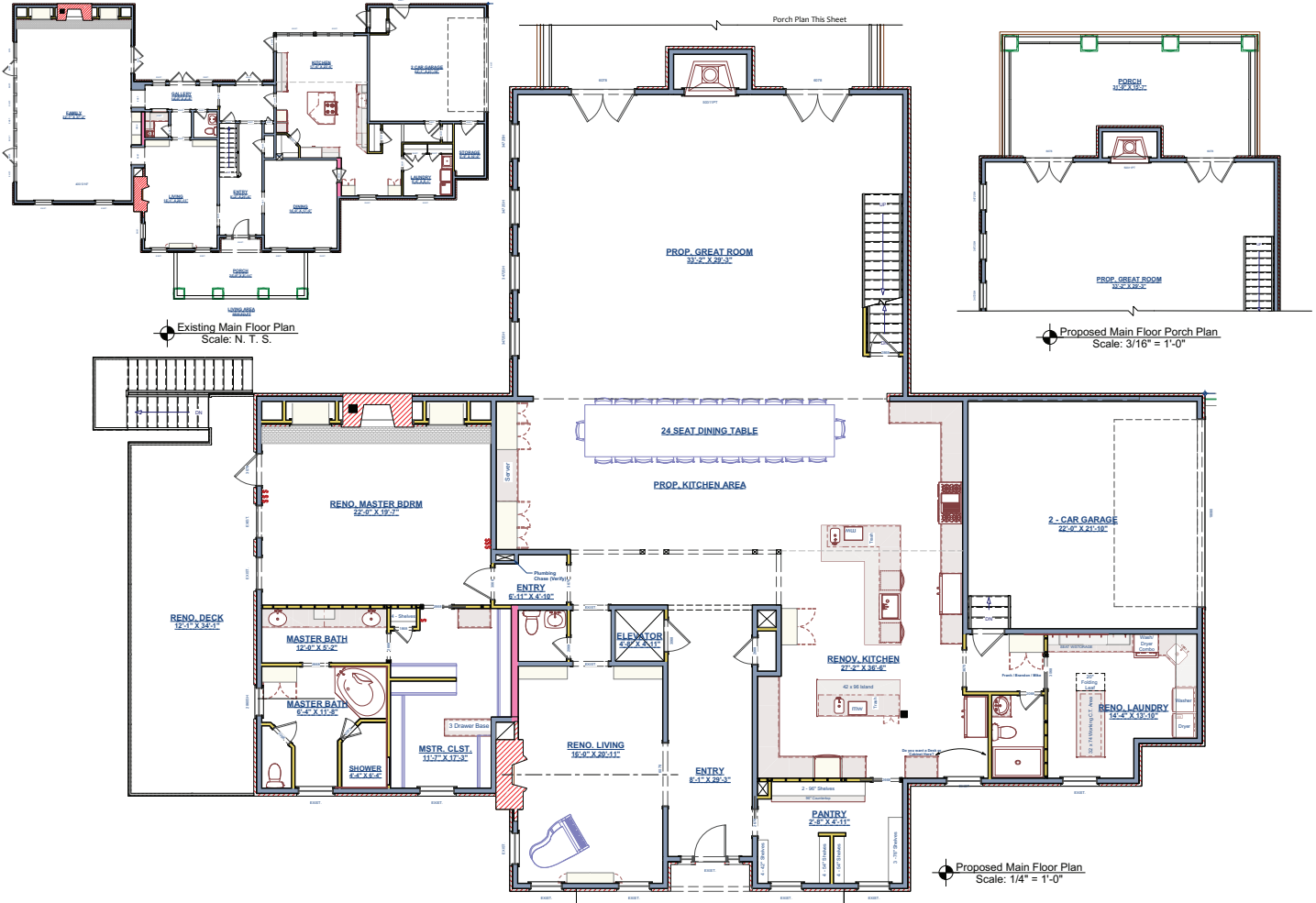
SHEET TITLE:
Basement Floor Plans

Owners Information:
Dixon Family Addition & Home Remodel
20011 Durbin Road, Suite 102
Morrison, IL 62257
908.917.5227

DRAWINGS PROVIDED BY:
A. Adams Construction Design
P. O. Box 9892 • Springfield, Illinois 62719
AMAD@CCIGmail.com

DATE:
9/8/2022
SCALE:
SHEET:
A.5





1998

NO.	DESCRIPTION	DATE	BY

SHEET TITLE:
Main Floor Plans

Owners Information:
Dillon Family Addition & Home Renovation
29011 Durbin Road, Suite 102
Mountain Brook, Alabama 35243
904.917.1827

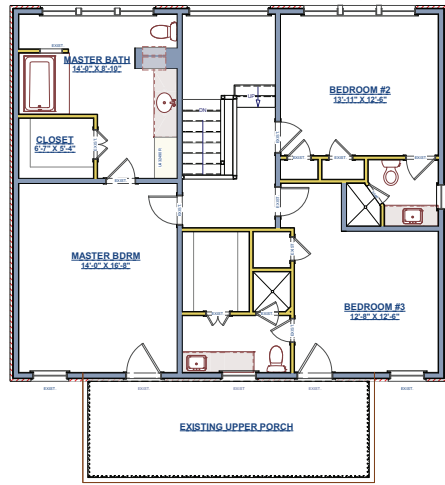
DRAWINGS PROVIDED BY:
A. C. C. Design Group
P. O. Box 9895 • Birmingham, Alabama 35215
AMARIB@CIGmail.com

DATE:
9/8/2022

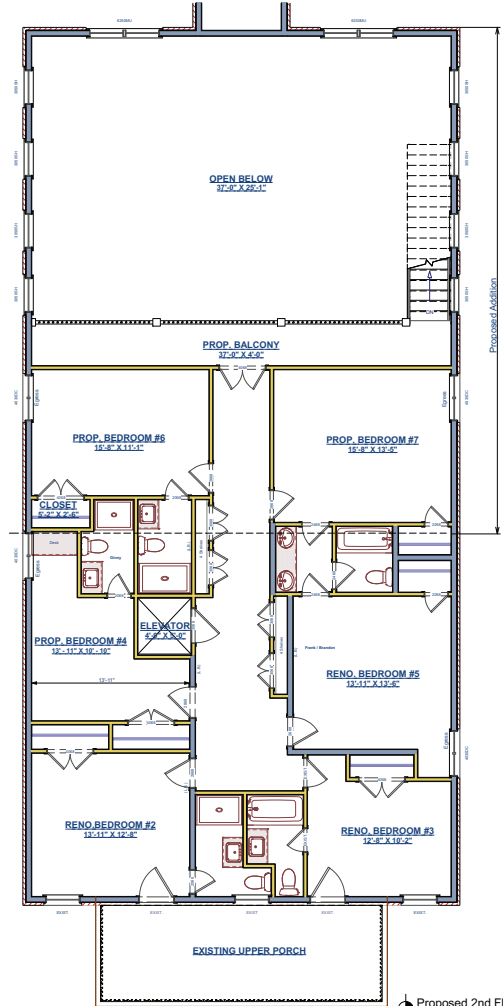
SCALE:

SHEET:

A.6



Existing 2nd Floor Plan
Scale: 1/4" = 1'-0"



Proposed 2nd Floor Plan
Scale: 1/4" = 1'-0"

1998

NO.	DESCRIPTION	DATE	BY

SHEET TITLE
Second Floor Plans

Owners Information:
Dixon Family Addition & Home Renovation
20011 North State Street
Mountain Brook, Alabama 35243
908.917.1827

DRAWINGS PROVIDED BY:
A/Come Construction Design
P. O. Box 9895 • Birmingham, Alabama 35216
AMAR@CCDesign.com

DATE:
9/8/2022

SCALE:

SHEET:

A.7



1998

NO.	DESCRIPTION	DATE	BY

EXTERIOR ELEVATIONS

OWNERS INFORMATION:
 Dixon Family Addition & Home Remodel
 2011 Dorris Road NW
 Marietta, GA 30067

DRAWINGS PROVIDED BY:
 A. C. C. Design & Construction
 P. O. Box 8895 • Birmingham, Alabama 35215
 205.961.1227
 AAC@CCDesign.com

DATE:
9/8/2022

SCALE:
AS NOTED

SHEET:
A.9



Variance Application Part II

Required Findings (Sec. 129-455 of the Zoning Ordinance)

To aid staff in determining that the required hardship findings can be made in this particular case, please answer the following questions with regard to your request. **These findings must be made by the Board of Zoning Adjustment in order for a variance to be granted** (please attach a separate sheet if necessary).

What special circumstances or conditions, applying to the building or land in question, are peculiar to such building or land, and do not apply generally to other buildings or land in the vicinity (including size, shape, topography, location or surroundings)?

SEE ATTACHED

Was the condition from which relief is sought a result of action by the applicant? (i.e., *self-imposed hardship* such as: "...converted existing garage to living space and am now seeking a variance to construct a new garage in a required setback...")

SEE ATTACHED

How would the granting of this variance be consistent with the purpose and intent of the Zoning Regulations?

SEE ATTACHED

We are the new homeowners of 2801 Pump House Road, which is on the corner of Pump House Road and Caldwell Mill Road. We are seeking a variance to construct an additional garage alongside the existing garage facing Caldwell Mill Road and to increase the living space to accommodate our family and future guests to our home. We have been blessed with a rather large set of children – eight, to be precise – ranging from teenagers down to an 8-month-old, and it is our desire for this house to be a blessing not only to them but to the broader community around us that we are able to welcome in!

Question #1 (Special Circumstances): Corner lot wedged within two roads forming a sharply acute angle produces an irregular-shaped lot with double frontage configuration (two 100-foot front setbacks and 100-foot back setback). Existing structure is already non-conforming (built within the setback).

Question #2 (Condition Cause): No, the conditions from which relief is being sought are not a result of applicant's actions.

Question #3 (Consistency with purpose and intent of Zoning Regulations): We believe that the granting of this variance would contribute favorably to the feel and appearance of the neighborhood, as it would remove cars from being parked outside in a driveway right up close to (and visible to) Caldwell Mill and move them into a second garage that is placed right alongside the existing garage. With all of the traffic along that corner intersection, we believe this will benefit the streetscape and reflect favorably for all in the community by reducing the appearance of "car clutter" from that busy portion of road. The setback of the proposed addition does not materially extend beyond the existing structure (84.4 feet vs. 85.3 feet) on the front setback and does not encroach upon or impair the supply of light or air to the adjacent property to the rear setback.

We humbly thank you for your consideration and are very happy to provide any additional information that would be helpful for your consideration.

Thank you so much!

Designated Representative for Dixon Family,



Michael J. Roberts

President, Roberts Building Group, Inc.



Variance Application - Part I

Project Data

Address of Subject Property 3813 WILLIAMSBURG CIRCLE

Zoning Classification RESIDENCE 'A'

Name of Property Owner(s) ASHLEY + COOPER KILLION

Phone Number 205.441.4733 Email ckillion@shookandfletcher.com

Name of Surveyor CARL DANIEL MOORE

Phone Number 205.991.8965 Email dannymoore@ssi-212.com

Name of Architect (if applicable) MATHEW V. COSTANZO, ARCHITECT

Phone Number 205.266.2825 Email matt@mvcarchitect.com

Property owner or representative agent must be present at hearing

Please **fill in only applicable** project information (relating directly to the variance request(s)):

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>	40'	34.0'	34.0'
Front Setback (ft) <i>secondary</i>			
Right Side Setback	15'	± 14.0'	15.0'
Left Side Setback	15'	23.3'	23.3'
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Rear Setback (ft)	40'	± 70.0'	± 52.0'
Lot Coverage (%)	30%	31.46%	29.2%
Building Height (ft)	35'	± 25'	± 30.0'
Other			
Other			

A-22-28 Zoning



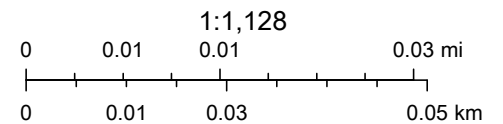
10/5/2022, 10:25:23 AM

Building Footprints 2020v1 Tax_Parcels

Tax_Parcels 2021

Residence A District

Residence A District



JeffCoAL, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA

ArcGIS Web AppBuilder


JeffCoAL, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA | Jefferson County Information Technology Services | Hunter Simmons | Jefferson County Department of Information Technology |



A-22-28 Aerial



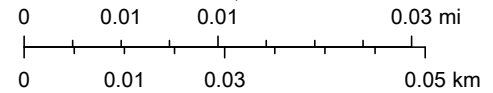
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2018 Aerial

 Red: Band_1

 Green: Band_2  Blue: Band_3

1:1,128



Jefferson County Information Technology Services, JeffCoAL, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA

ArcGIS Web AppBuilder

Report to the Board of Zoning Adjustment

A-22-28

Petition Summary

Request to allow additions and alterations to a single family dwelling to be as close as 34 feet to the front property line (Williamsburg Circle) in lieu of the required 40 feet.

Scope of Work

The scope of work entails a new 2nd story and alterations to the existing single family dwelling.

Variance Request for Front Setback

Nexus: The hardships in this case of the unusual lot shape and existing design constraints are related to the requested front setback variance.

Possible Findings for Approval: The proposed changes to the existing home include the addition of a second story and changes to the existing roofline. The second story will be outside of the setback and the footprint of the structure will not change as it relates to the front setback encroachment. The proposed changes located in the setback to the single story roofline will be at a similar height to what is currently there.

It is anticipated that an approval of such variance:

- a. Will not be detrimental to the streetscape (the proposed additions and alterations will not encroach closer to the property line than the existing structure and only affects three small areas of the structure).

Impervious Area

The proposal is in compliance with the allowable impervious surface area.

Subject Property and Surrounding Land Uses

The property contains a single-family dwelling, and is surrounded by same.

Affected Regulation

The proposal is in compliance with the allowable impervious surface area.

Appends

LOCATION: 3813 Williamsburg Circle

ZONING DISTRICT: Residence A District

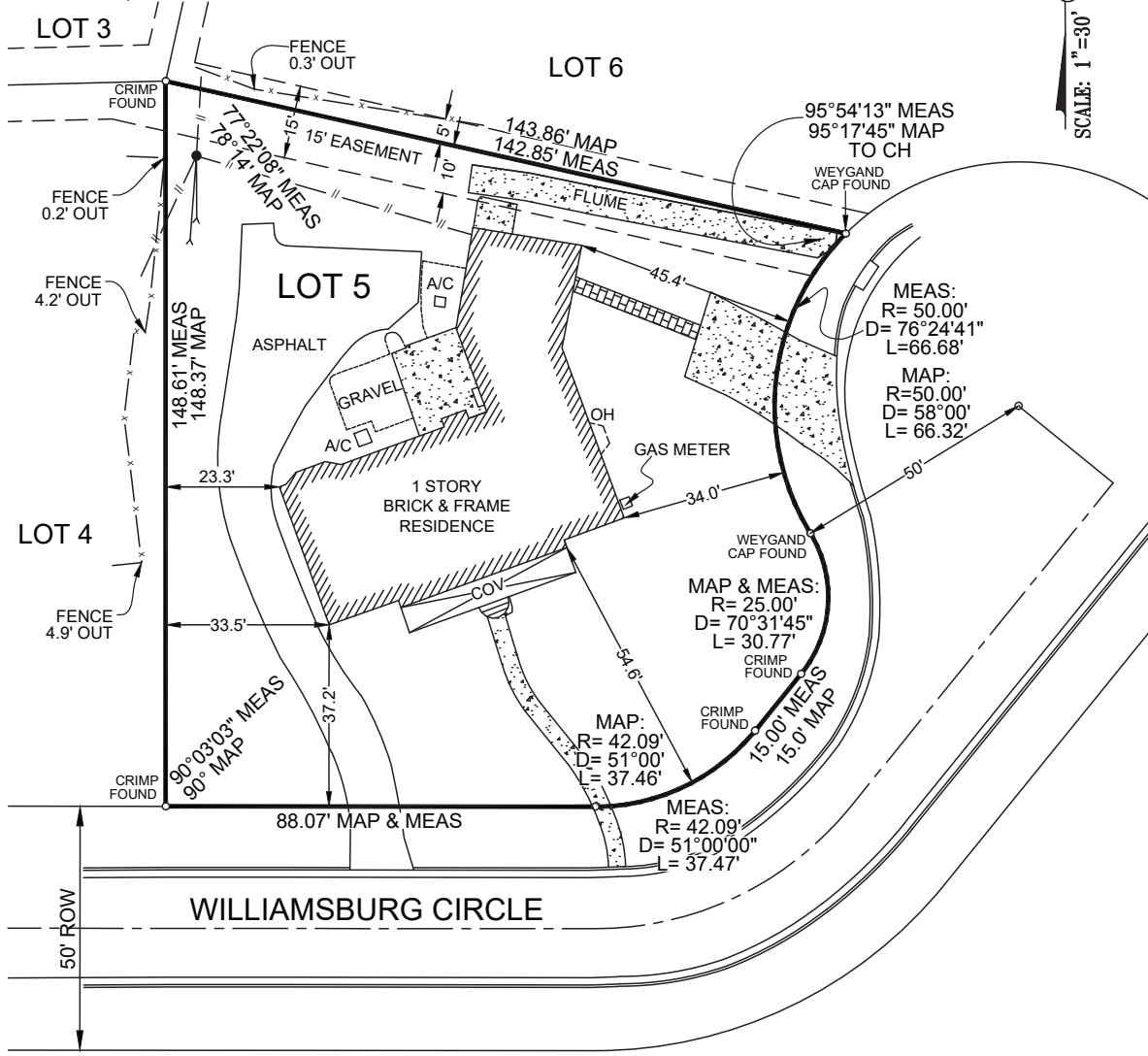
OWNERS: Ashley and Cooper Killion

LEGEND:

- ASPH = asphalt
- BRG = bearing
- BLDG = building
- CALC = calculated
- CAP = capped iron
- CL = centerline
- CH = chord
- CONC = concrete
- C = covered
- d = deflection
- D = curve delta angle
- E = east
- ESMT = easement
- FC = fence
- FD = found
- HW = headwall
- IPF = iron pin found
- IPF* = iron pin found w/KBW cap
- IPS = iron pin set w/SSI cap
- L = length
- MEAS = measured
- MIN = minimum
- MH = manhole
- N = north
- OH = overhang
- P = porch
- PC = point of curve
- POB = point of beginning
- POC = point of commencement
- PT = point of tangent
- PVMT = pavement
- R = radius
- REC = recorded
- RES = residence
- ROW = right of way
- S = south
- SAN = sanitary
- STM = storm
- SWR = sewer
- SYN = synthetic
- UTIL = utility
- U = uncovered
- W = west
- YI = yard inlet
- ° = degrees
- ' = minutes, in
- " = bearings or angles
- ' = seconds, in
- " = bearings or angles
- ' = feet, in distance
- AC = acres
- ± = more or less, or plus or minus

LOT 17,119.0 SQ.FT.
 IMPERVIOUS 5,385.7 SQ.FT.
 31.46%

SCALE: 1"=30'



STATE OF ALABAMA
 JEFFERSON COUNTY

I, Carl Daniel Moore, a registered Land Surveyor, certify that I have surveyed Lot 5, WILLIAMSBURG CIRCLE as recorded in Map Book 64, Page 55 in the Office of the Judge of Probate, Jefferson County, Alabama; that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, and belief; that the correct address is as follows: 3813 Williamsburg Circle according to my survey of May 20, 2022. Survey is not valid unless it is sealed with embossed seal or stamped in red.

SURVEYING SOLUTIONS, INC.
 2232 CAHABA VALLEY DRIVE SUITE M
 BIRMINGHAM, AL 35242
 PHONE: 205-991-8965

Carl Daniel Moore

Carl Daniel Moore, Reg. L.S. #12159

06/02/2022
 Date of Signature

Order No. 889059
 Purchaser: Kranzusch
 Type of Survey: Property Boundary





MATTHEW V. COSTANZO
ARCHITECT

09-20-22



Existing Photo – Killion Residence

N.T.S

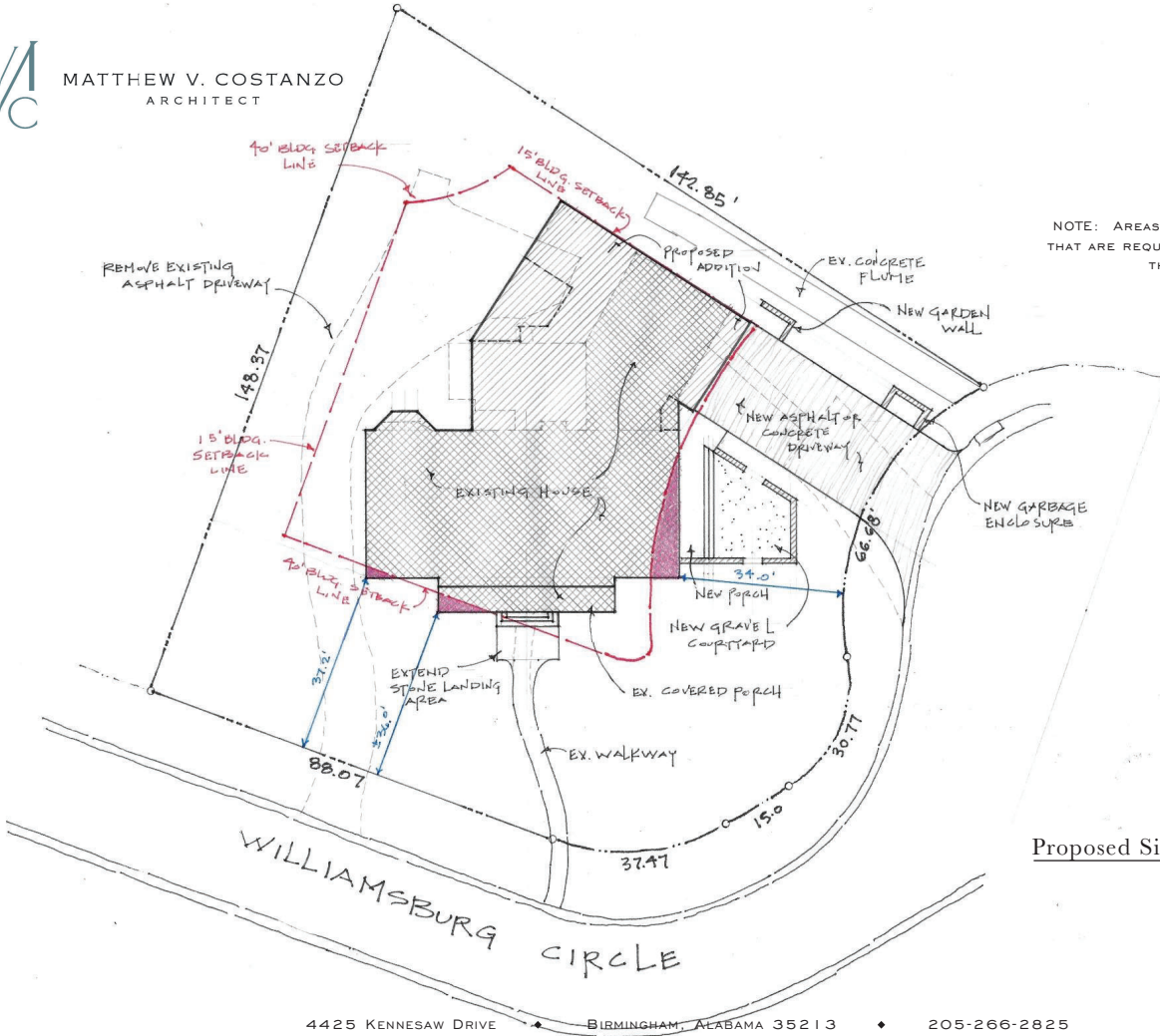
4425 KENNESAW DRIVE ♦ BIRMINGHAM, ALABAMA 35213 ♦ 205-266-2825



MATTHEW V. COSTANZO
ARCHITECT

09-20-22

NOTE: AREAS MARKED WITH RED ARE THE AREAS THAT ARE REQUESTED TO BE MODIFIED AS PART OF THE VARIANCE REQUEST



Proposed Site Plan – Killion Residence

1" = 20'-0"



MATTHEW V. COSTANZO
ARCHITECT

09-20-22



NOTE: AREAS MARKED WITH RED ARE THE AREAS THAT ARE REQUESTED TO BE MODIFIED AS PART OF THE VARIANCE REQUEST

Proposed Front Elevation – Killion Residence

1/8" = 1'-0"

4425 KENNESAW DRIVE ♦ BIRMINGHAM, ALABAMA 35213 ♦ 205-266-2825



Variance Application Part II

Required Findings (Sec. 129-455 of the Zoning Ordinance)

To aid staff in determining that the required hardship findings can be made in this particular case, please answer the following questions with regard to your request. **These findings must be made by the Board of Zoning Adjustment in order for a variance to be granted** (please attach a separate sheet if necessary).

What special circumstances or conditions, applying to the building or land in question, are peculiar to such building or land, and do not apply generally to other buildings or land in the vicinity (including size, shape, topography, location or surroundings)?

THE UNIQUE SHAPE IS THE SPECIAL CIRCUMSTANCE OR CONDITION
APPLYING TO THIS LOT.

Was the condition from which relief is sought a result of action by the applicant? (i.e., *self-imposed hardship* such as: "...converted existing garage to living space and am now seeking a variance to construct a new garage in a required setback...")

NO, THE CONDITION FROM WHICH THE OWNERS ARE SEEKING RELIEF
WAS NOT A RESULT OF ACTION BY THE KILLONS.

How would the granting of this variance be consistent with the purpose and intent of the Zoning Regulations?

BECAUSE OF THE UNIQUE SHAPE OF THE LOT, THERE ARE THREE
SMALL AREAS THAT CURRENTLY EXTEND OVER THE SETBACK LINES.
THE OWNERS ARE REQUESTING A VARIANCE TO INSTALL NEW
SINGLE STORY ROOFS ON THOSE AREAS THAT WOULD BE
CONSISTENT WITH THE PURPOSE AND INTENT OF THE
ZONING REGULATIONS



MATTHEW V. COSTANZO
ARCHITECT

September 20, 2022

Mountain Brook Board of Zoning Adjustment
56 Church Street
Mountain Brook, AL 35213

Board Members:

This letter, written on behalf of Mr. and Mrs. Cooper Killion, is a request for a variance to construct new single-story roof structures on areas of the existing house that are currently located beyond the required setback lines. The property is located at 3813 Williamsburg Circle.

The property, which is zoned Residence A, has required front setback of 40.0 feet from the property line. Due to the unique shape of the lot, the current residence extends beyond the front setback in a few locations with 34.0 feet being the closest corner to the property line. A variance is requested to allow construction of new single-story roofs in the areas that currently sit beyond the required setback. The new roof construction will be part of a larger renovation project and the height of the new single-story roofs will be similar in height to what currently exists. The new additions to the existing home will meet all required zoning requirements, and no other variance is requested at this time.

We appreciate your assistance in this matter.

Sincerely,

Matthew V. Costanzo
Registered Architect, AL #8888



Variance Application - Part I

Project Data

Address of Subject Property 401 MICHAEL LANE

Zoning Classification RESIDENTIAL

Name of Property Owner(s) ANDREW AND TIFFANY LINN

Phone Number 205-837-8306 Email ALINN@southlandtransportationgroup.com

Name of Surveyor JACKINS BUTLER ADAMS INC.

Phone Number 205-870-3390 Email bbsurv@bellsouth.net

Name of Architect (if applicable) SMELCER DESIGN

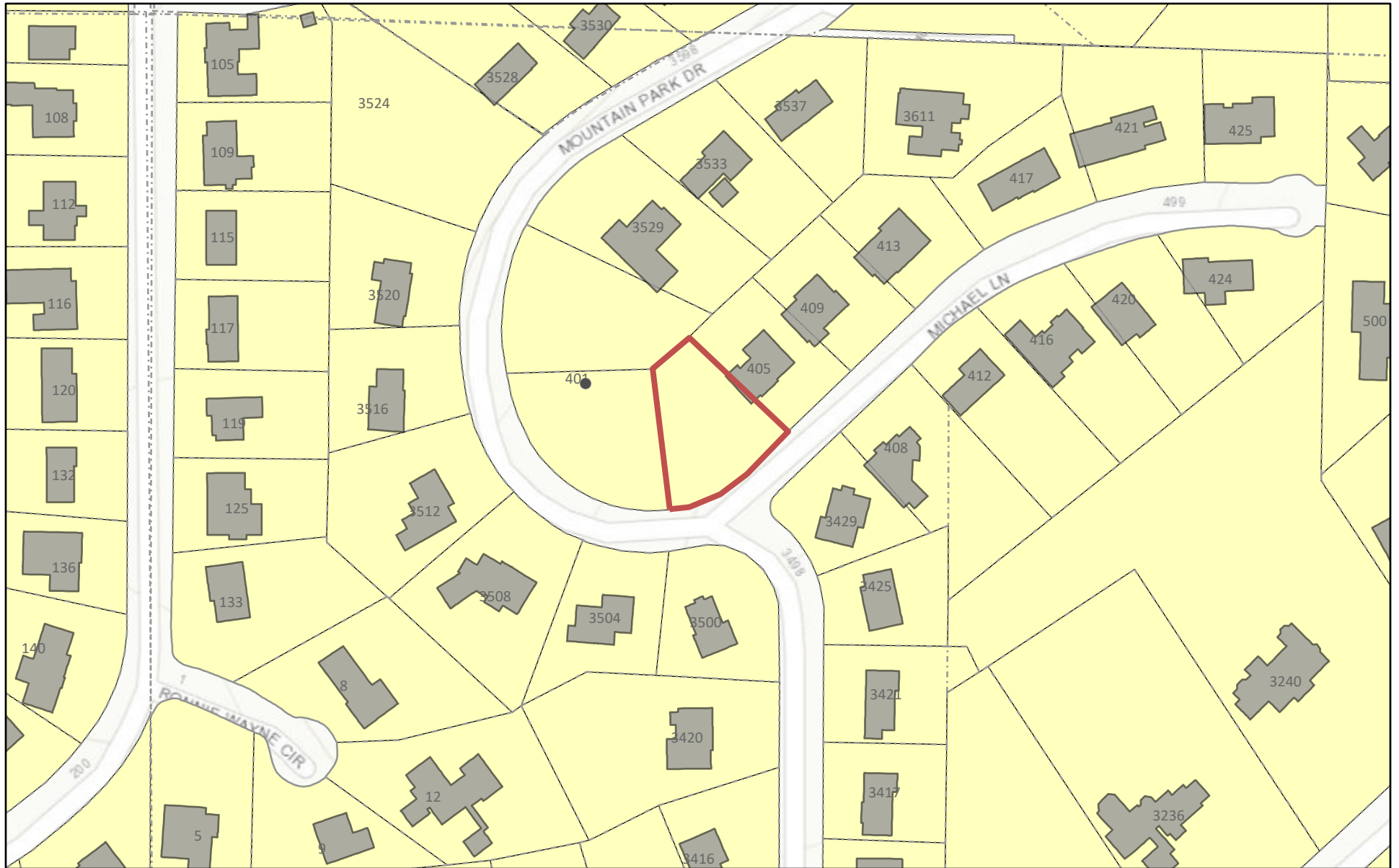
Phone Number 205-229-3835 Email DJSMELCER@YAHOO.COM

Property owner or representative agent must be present at hearing




Please fill in only applicable project information (relating directly to the variance request(s)):

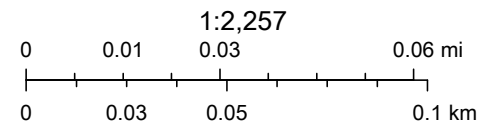
	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>	40 FT		
Front Setback (ft) <i>secondary</i>			
Right Side Setback			
Left Side Setback			
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Rear Setback (ft)			
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			

A-22-29 Zoning



10/12/2022, 1:31:25 PM

-  Building Footprints 2020v1 Tax_Parcels 2021
-  Lot Lines
-  Residence A District



JeffCoAL, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA

ArcGIS Web AppBuilder

A-22-29 Aerial



10/12/2022, 1:33:39 PM

Aerial 2021



Green: Band_2



Blue: Band_3



Red: Band_1

1:2,257

0 0.01 0.03 0.06 mi

0 0.03 0.05 0.1 km

Jefferson County Department of Information Technology | JeffCoAL, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA

ArcGIS Web AppBuilder

Report to the Board of Zoning Adjustment

A-22-29

Petition Summary

Request to allow a retaining wall to be up to 10 feet in height in the front yard (Michael Lane) in lieu of the maximum allowed wall height of 4 feet.

Background

During an erosion control maintenance inspection of this construction site in August 2022, the wall in question was first noted by the city's Inspections Department. This wall was not a part of the permit submittal for construction, and to date no plan has been submitted to the city's Building Official related to the wall. The city has no documentation or engineered drawings for this structure.

Scope of Work

The scope of work for this site entails a proposed new single family dwelling with a front retaining wall.

Variance Request for Retaining Wall Height in Front Yard

Nexus: The applicant stated that the slope of the lot made the retaining wall necessary to facilitate the front drive access and to create a usable functional front yards. While it appears true that there is a grade change from the back to the front of the property, it seems as though the desire to create a functional front yard is driving the request for the variance more so than the need for driveway access.

It is anticipated that an approval of such variance:

- a. Could be detrimental to the streetscape (due to the massing and height)

Impervious Area

The proposal is in compliance with the allowable impervious surface area.

Subject Property and Surrounding Land Uses

The property contains a single-family dwelling, and is surrounded by same.

Affected Regulation

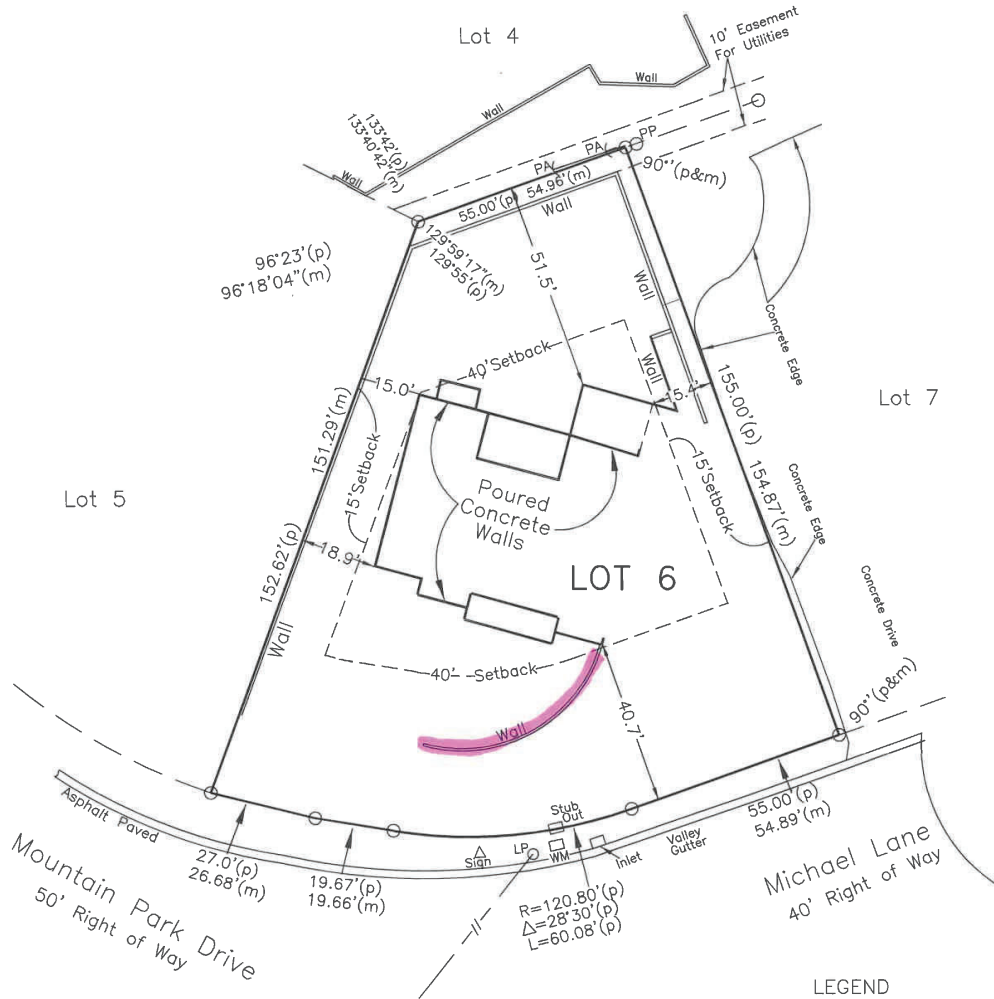
The proposal is in compliance with the allowable impervious surface area.

Appends

LOCATION: 401 Michael Lane

ZONING DISTRICT: Residence A District

OWNERS: Andrew and Tiffany Linn



FOUNDATION SURVEY

LEGEND

○	PP	POWER POLE
○	LP	LIGHT POLE
□	WM	WATER METER
□	AC	AIR CONDITIONER
—//—		OVERHEAD POWER
-x-		FENCE
100x3		SPOT ELEVATION
(p)		PLAT DIMENSION
(m)		MEASURED DIMENSION

Notes:

1. Date of Field Work = October 8, 2021;
2. Area of Lot 6 = 0.38 Acres
3. Site is Zoned Residence A District, per Mountain Brook Zoning Map; Setbacks: Front=40'; Rear=40'; Side=15'; Maximum Building Area = 25 percent of Total Area;
4. Date of Foundation Survey = July 19, 2022;

CERTIFICATE

I hereby state that all parts of this survey and drawing have been completed in accordance with the Standards of Practice for Land Surveying in the State of Alabama to the best of my knowledge, information, and belief.

July 21, 2022
Date

Rowland Jackins
Rowland Jackins, Ala. PLS No. 18399



FOUNDATION SURVEY

Lot 6, Donna Lynn Estates
Mapbook 38, Page 8, Judge of Probate Office,
Jefferson County, Alabama
Scale: 1 Inch = 30 Feet July, 2022



JACKINS, BUTLER & ADAMS, INC.
SURVEYING-GEOLOGY
3430 INDEPENDENCE DRIVE, SUITE 30
BIRMINGHAM, ALABAMA 35209
(205) 870-3390
S-1337/21-AAA2 Dwg. 1



Google Maps 401 Michael Ln

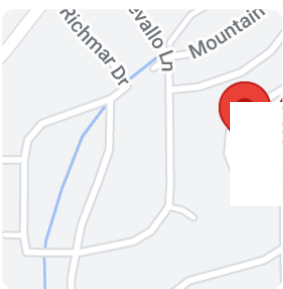


Image capture: Mar 2022 © 2022 Google

Mountain Brook, Alabama

Google

Street View - Mar 2022











Variance Application Part II

Required Findings (Sec. 129-455 of the Zoning Ordinance)

To aid staff in determining that the required hardship findings can be made in this particular case, please answer the following questions with regard to your request. **These findings must be made by the Board of Zoning Adjustment in order for a variance to be granted** (please attach a separate sheet if necessary).

What special circumstances or conditions, applying to the building or land in question, are peculiar to such building or land, and do not apply generally to other buildings or land in the vicinity (including size, shape, topography, location or surroundings)?

DUE TO THE SEVERE SLOPE OF THE LOT A RETAINING WALL TALLER THAN 4 FEET IS REQUIRED TO FACILITATE THE FRONT DRIVEWAY ACCESS TO THE FRONT PARKING PAD AND TO CREATE A USABLE AND FUNCTIONABLE FRONT YARD.

Was the condition from which relief is sought a result of action by the applicant? (i.e., *self-imposed hardship* such as: "...converted existing garage to living space and am now seeking a variance to construct a new garage in a required setback...")

NO.

How would the granting of this variance be consistent with the purpose and intent of the Zoning Regulations?

IT WOULD ALLOW A RETAINING WALL TO BE BUILT FOR A DRIVEWAY AND USABLE FRONT YARD.

Thursday, September 22, 2022

Dear Board of Zoning Adjustment,

Due to the hardships imposed by the shape and topographic nature of our lot, we are requesting your approval of a retaining wall that exceeds the height restriction of 4ft. Said retaining wall is necessary to ensure access to our front door from our driveway, to accommodate handicap accessibility and also to create a useable and functional front yard. We appreciate your consideration.

Sincerely,

Andrew and Tiffany Linn

Homeowners

401 Michael Lane

Mountain Brook, AL 35213